

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

PENNY ALEXANDRA JACKSON,
Plaintiff,

v.

**UNIVERSITY OF TEXAS
SOUTHWESTERN MEDICAL
CENTER SCHOOL OF MEDICINE,**
Defendant.

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CASE NO. 3:24-cv-495

DEFENDANT'S NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

Defendant The University of Texas Southwestern Medical Center¹ (“UT Southwestern”) files this Notice of Removal, pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, to remove this action filed in the 191st Judicial District Court of Dallas County, Texas, to the United States District Court for the Northern District of Texas, Dallas Division. In support of this removal, UT Southwestern respectfully shows the following:

GROUND FOR REMOVAL

Plaintiff Penny Alexandra Jackson is a former medical student at UT Southwestern who was academically dismissed after failing five courses during her

¹ Plaintiff filed this lawsuit against “University of Texas Southwestern Medical Center School of Medicine.” The correct name of the institution is “The University of Texas Southwestern Medical Center.” All future documents will be filed with the understanding that “University of Texas Southwestern Medical Center School of Medicine” is part of “The University of Texas Southwestern Medical Center.”

first year of medical school. She alleges that she suffered various deprivations and was ultimately dismissed because of her race and alleged disability. *See* Ex. C. She pleads causes of action against UT Southwestern under Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d, *et seq.*), Title II of the Americans with Disabilities Act (42 U.S.C. §§ 12131, *et seq.*), and Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794). *See* Ex. C.

Plaintiff filed suit in the 191st Judicial District Court of Dallas County, Texas. UT Southwestern is the sole Defendant. UT Southwestern timely filed an Original Answer in state court.

Removal to this Court is proper because the Court has original jurisdiction over Plaintiff's claims. *See* 28 U.S.C. § 1441(a). Specifically, all of Plaintiff's claims arise under federal law, giving this Court federal question jurisdiction over all of Plaintiff's claims under 28 U.S.C. § 1331.

TIMELINESS OF REMOVAL

Plaintiff served UT Southwestern with a copy of her Original Petition on February 7, 2024. *See* Ex. E. Pursuant to 28 U.S.C. § 1446(b)(1), UT Southwestern timely files this Notice of Removal within thirty (30) days after service and receipt of Plaintiff's Original Petition.

CONSENT

Because UT Southwestern is the only named Defendant in this action, no other party's consent to this removal is required. *See* 28 U.S.C. § 1446(b)(2)(A).

VENUE

Venue is proper in this Court under 28 U.S.C. § 1441(a) because this district and division embrace the place where the removed state court action has been pending. Specifically, the 191st Judicial District Court of Dallas County, Texas, is geographically located within the Dallas Division of the United States District Court for the Northern District of Texas.

COMPLIANCE WITH PROCEDURAL REQUIREMENTS

Attached to this Notice is a copy of all documents required by 28 U.S.C. § 1446(a) and Local Civil Rule 81.1(a). Those documents include the following:

- An index of all documents that clearly identifies each document and indicates the date the document was filed in state court (attached as **Exhibit A**);
- A copy of the docket sheet in the state court action (attached as **Exhibit B**);
- A copy of all process, pleadings, and orders served upon UT Southwestern, including but not limited to a copy of each document filed in the state court action (attached as **Exhibits C–F**); and
- A separately signed certificate of interested persons that complies with Local Civil Rule 3.1(c) or 3.2(e) (attached as **Exhibit G**).

UT Southwestern will promptly file a notice of this removal with the clerk of the state court where the suit has been pending, pursuant to 28 U.S.C. § 1446(d). A copy of that notice is attached as **Exhibit H**.

UT Southwestern is also filing a Civil Cover Sheet and Supplemental Civil Cover Sheet, pursuant to Local Civil Rule 81.1(a)(1)–(2), as well as a Notice of Related Case, pursuant to Local Civil Rule 81.1(a)(3).

In the event this Court subsequently identifies a defect in this Notice of Removal, UT Southwestern respectfully requests this Court to grant leave to amend this Notice to cure the defect. *See, e.g., Acosta v. Drury Inns, Inc.*, 400 F. Supp. 2d 916, 922 (W.D. Tex. 2005) (“Defects in the form or content of the removal papers are usually not jurisdictional and may be cured by amendment after removal”); *UICI v. Gray*, No. Civ. A. 3:01CV0921L, 2002 WL 356753, at *2 (N.D. Tex. Mar. 1, 2002); *Lafayette City-Parish Consol. Gov’t v. Chain Elec. Co.*, No. 11-1247, 2011 WL 4499589, at *7 (W.D. La. Sept. 23, 2011).

By filing this Notice of Removal, UT Southwestern does not waive any legal defenses or objections to Plaintiff’s Original Petition, but expressly reserves its right to raise any and all legal defenses or objections in subsequent pleadings in this Court.

This Notice of Removal is signed pursuant to Federal Rule of Civil Procedure 11, as required under 28 U.S.C. § 1446(a).

CONCLUSION

Because UT Southwestern has properly complied with the removal statutes set forth above, this case stands removed from the 191st Judicial District Court of Dallas County, Texas, to the United States District Court for the Northern District of Texas, Dallas Division.

Respectfully submitted.

KEN PAXTON
Attorney General

BRENT WEBSTER
First Assistant Attorney General

JAMES LLOYD
Deputy Attorney General for Civil Litigation

KIMBERLY GDULA
Chief, General Litigation Division

/s/ Benjamin S. Walton

BENJAMIN S. WALTON

Lead Attorney

Texas Bar No. 24075241

Assistant Attorney General

General Litigation Division

P.O. Box 12548

Austin, Texas 78711

(512) 463-2120 – Phone

(512) 320-0667 – Fax

benjamin.walton@oag.texas.gov

Counsel for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on February 29, 2024, a true and correct copy of this document was electronically filed using the Court's CM/ECF system, which will send notification of such filing to the following counsel of record:

Marianne Howland
DUFFEE + EITZEN LLP
4311 Oak Lawn Avenue, Suite 600
Dallas, Texas 75219
(214) 416-9010 – Phone
(214) 416-9005 – Fax
marianne@d-elaw.com

Marianne Howland
Howland Shake Law
17304 Preston Road, Suite 800
Dallas, TX 75252
(469) 371-4282 – Phone
marianne@howlandshakelaw.com

Counsel for Plaintiff

/s/ Benjamin S. Walton
BENJAMIN S. WALTON
Assistant Attorney General